

**From:** [Robert Ottinger](#)  
**To:** [Emanuel Kataev](#); [Jacqueline Graves](#)  
**Cc:** [Finn Dusenbery](#)  
**Subject:** Re: Pagan v Lobster House (1:20-cv-7349): Answer  
**Date:** Thursday, October 22, 2020 5:26:53 PM

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Hi Emanuel,

That is 30 days from the original due date of October 5<sup>th</sup>.

No we are not going to provide damages for our client because this is a putative class action.

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**From:** Emanuel Kataev <[Emanuel@mllaborlaw.com](mailto:Emanuel@mllaborlaw.com)>  
**Date:** Thursday, October 22, 2020 at 2:22 PM  
**To:** Robert Ottinger <[robert@ottingerlaw.com](mailto:robert@ottingerlaw.com)>, Jacqueline Graves <[Jacqueline@ottingerlaw.com](mailto:Jacqueline@ottingerlaw.com)>  
**Cc:** Finn Dusenbery <[finn@ottingerlaw.com](mailto:finn@ottingerlaw.com)>  
**Subject:** RE: Pagan v Lobster House (1:20-cv-7349): Answer

Thanks, Rob. I'll prepare the consent letter motion and file same with my notice of appearance.

While you may not have any information about the class (which has not been certified at this point), you do have information about your client. Please state whether you will provide a damages calculation for your client before we begin litigating to explore resolution.

This correspondence is tendered for settlement purposes only, without prejudice to Defendants' rights, all of which are expressly reserved.

Best,

**Emanuel Kataev, Esq.**  
**Associate**  
**Milman Labuda Law Group PLLC**  
3000 Marcus Avenue, Suite 3W8  
Lake Success, NY 11042-1073  
(516) 328-8899 (office)  
(516) 303-1395 (direct dial)  
(516) 328-0082 (facsimile)  
[emanuel@mllaborlaw.com](mailto:emanuel@mllaborlaw.com)

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**From:** Robert Ottinger <[robert@ottingerlaw.com](mailto:robert@ottingerlaw.com)>  
**Sent:** Thursday, October 22, 2020 5:20 PM  
**To:** Emanuel Kataev <[Emanuel@mllaborlaw.com](mailto:Emanuel@mllaborlaw.com)>; Jacqueline Graves <[Jacqueline@ottingerlaw.com](mailto:Jacqueline@ottingerlaw.com)>

**Cc:** Finn Dusenbery <finn@ottingerlaw.com>

**Subject:** Re: Pagan v Lobster House (1:20-cv-7349): Answer

Hi Emanuel,

We cannot provide you with a damage calculation at this point because we don't have any information about the class. We will gather this information through the discovery or voluntary disclosure. We recently settled two cases against restaurants in NYC for 1.8M and 1.5M. We don't know yet how this matter compares to those.

Yes we will agree to a 30 day extension to respond to the Complaint.

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**From:** Emanuel Kataev <[Emanuel@mllaborlaw.com](mailto:Emanuel@mllaborlaw.com)>

**Date:** Thursday, October 22, 2020 at 1:29 PM

**To:** Jacqueline Graves <[Jacqueline@ottingerlaw.com](mailto:Jacqueline@ottingerlaw.com)>

**Cc:** Finn Dusenbery <[finn@ottingerlaw.com](mailto:finn@ottingerlaw.com)>, Robert Ottinger <[robert@ottingerlaw.com](mailto:robert@ottingerlaw.com)>

**Subject:** RE: Pagan v Lobster House (1:20-cv-7349): Answer

Dear Ms. Graves:

Please see attached correspondence I sent to Messrs. Dusenbery & Ottinger on October 5, 2020, for which I never received a response. Kindly ask them to provide a response to the request therein, and please advise as to whether Plaintiff will agree to an extension of time of thirty (30) days for Defendants to respond to the Complaint.

Thanks and best,

**Emanuel Kataev, Esq.**  
**Associate**  
**Milman Labuda Law Group PLLC**  
3000 Marcus Avenue, Suite 3W8  
Lake Success, NY 11042-1073  
(516) 328-8899 (office)  
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**From:** Jacqueline Graves <[Jacqueline@ottingerlaw.com](mailto:Jacqueline@ottingerlaw.com)>

**Sent:** Thursday, October 22, 2020 4:10 PM

**To:** Emanuel Kataev <[Emanuel@mllaborlaw.com](mailto:Emanuel@mllaborlaw.com)>

**Cc:** Finn Dusenbery <[finn@ottingerlaw.com](mailto:finn@ottingerlaw.com)>; Robert Ottinger <[robert@ottingerlaw.com](mailto:robert@ottingerlaw.com)>

**Subject:** Pagan v Lobster House (1:20-cv-7349): Answer

Counsel,

The deadline for Defendant's Answer was due on 10/21. Do Defendant's intend on filing their Answer? Please let us know at your earliest convenience.

Thank you,  
*Jackie Graves*

Legal Coordinator

(213) 769-0261

**The Ottinger Firm, P.C.**

New York & San Francisco

[www.ottingerlaw.com](http://www.ottingerlaw.com)